

Written Response by
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to the

Committee on Ways and Means
Subcommittee on Oversight

regarding the September 19, 2019 hearing titled

“How the Tax Code Subsidizes Hate”

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Chairman Lewis and Members of the Committee:

On September 19, 2019 I provided testimony to the House Ways and Means Subcommittee on Oversight. At that time, we were surprised to learn of the lack of accountability for some nonprofits that benefit from the tax exempt status and the loopholes afforded in the tax code which allows lapse or inactive “nonprofit” organizations to circumvent the process by utilizing their 501 (c) 3 status without having to file the paperwork necessary to disclose their purpose.

On August 3, 2019, 22 people in El Paso lost their lives and dozens more were injured by a shooter whose stated goal was to kill Mexicans. This loss of life is a direct result of hate speech. The purpose of allowing tax-exempt organizations is to allow organizations that serve the public wellbeing to do so without additional financial strain. These organizations must serve the public good. I am not a constitutional expert but I do understand the First Amendment restrictions to limiting hate speech. I do not believe disallowing tax exemptions to organizations who spread hate is in violation of the First Amendment. It is obvious, especially in the context of the August 3rd shooting in my community, that hate speech is not in the public interest. An organization that spreads hate does not share the same values of improving lives and providing for the public wellbeing as other nonprofit organizations, such as YWCA El Paso whose mission is to eliminate racism, empower women, and promote peace, justice, freedom and dignity for all. I do not believe these organizations should receive the same tax-exempt status as nonprofits who strive to serve their fellow citizens.

The next question will probably be, “How do we define hate speech? How do we identify organizations who meet this criteria?” It will be difficult and I do not have all those answers, but I look to our leaders to take those next steps.

Thank you.